

INTERIM REPORT NO. 2 OF THE EXTERNAL REVIEW COMMISSION

1. This second interim report sets out the progress the Commission has made since the last Board meeting on 12 December 2018.
2. The IBU Athletes Committee has appointed Vincent Defrasne, former Olympic biathlete from France, as the final member to join the Commission. The Commission has welcomed and engaged in constructive discussions with Mr Defrasne and looks forward to meeting him in person in early February 2019. Mr Defrasne will provide an important athlete perspective to the Commission, and he has expressed a clear commitment to further the work of the Commission with the goal of improving the future of the sport.
3. Since the last Board meeting, we have taken several steps to advance the Commission's work:
 - a. We have reviewed various applicable rules and legislation, including:
 - i. the elements of the crimes that the Austrian criminal authorities are investigating, so that the Commission knows what issues are important to the criminal authorities and so can refer evidence to them and otherwise assist them as necessary;
 - ii. the IBU statutes, rules and regulations for the relevant period, to determine exactly what obligations IBU directors and officers and other persons had under those instruments, so that in gathering and assessing evidence the Commission knows what elements to look for to determine whether any individuals have a case to answer for breach of those provisions; and
 - iii. the obligations of IBU directors and officers under Austrian civil law, so that the Commission can also determine whether there is a case to take legal action against any such individuals in the Austrian civil courts (e.g., for breach of fiduciary duties).
 - b. Dr Dorda has been in contact with the working group set up by the IBU to produce revised statutes, rules and regulations, and a preliminary schedule has been put in place by the IBU for the completion of the rules review.
 - c. In respect of our cooperation with the criminal authorities:
 - i. We have continued to engage with the Austrian criminal prosecutors, who have provided the Commission with access to further documents in the Austrian criminal file, which recently became available based on the Austrian police investigation. We have conducted a preliminary review of the criminal file and identified significant potentially relevant

- evidence, in the form of emails, WhatsApp messages, and the like, which will form the starting point for our further investigations.
- ii. We met with the Austrian and Norwegian criminal authorities in Vienna on 30 January 2019 to discuss our cooperation and the sharing of information going forward. The discussions were very constructive, and we are confident that the Commission will be in a position to assist the criminal authorities with their investigations.
- d. In respect of our cooperation with WADA:
- i. We are scheduled to meet with Günter Younger, Director of WADA's Intelligence & Investigations Department, in early February 2019, to discuss the Commission's cooperation and information sharing with WADA.
 - ii. We note that WADA has now successfully obtained the data from the Moscow anti-doping laboratory (see <https://www.wada-ama.org/en/media/news/2019-01/wada-successfully-retrieves-data-from-moscow-laboratory>), and is currently reviewing the authenticity of that data. We will remain in contact with WADA and will seek to ensure the information relevant to biathlon is provided by WADA as soon as it becomes available, for review by the IBU Working Group that is already considering the McLaren and other evidence.
- e. We also have an open line of communication with RUSADA, which has been very cooperative and provided relevant information on request. To date, we have obtained copies of communications between the IBU and RUSADA and are currently discussing the best way to access the ABP profiles of various Russian biathletes (in concert with the IBU and WADA).
- f. In relation to gathering witness evidence:
- i. We have conducted further witness interviews, and have started to draw up a witness interview plan, starting with current and former IBU directors, officers, employees and representatives. We still expect to be in a position to start those interviews in the first quarter of 2019.
 - ii. We continue to communicate with counsel to Dr Grigory Rodchenkov in relation to his assisting the Commission in its work.
- g. We have obtained copies of and reviewed (among other things):
- i. the iNADO report dated 5 September 2018, auditing the IBU's anti-doping function;

- ii. the termination agreement entered into between the IBU and Ms Nicole Resch in September 2018;
 - iii. video footage of the IBU 2016 Congress and of a meeting of Mr Besseberg and Ms Resch with biathletes in January 2017; and
 - iv. the recent documentary by Hajo Seppelt of ARD, which aired on 'Das Erste' on 17 January 2019, regarding convicted doper and Austrian cross-country skier Johannes Dürr (available at: <http://mediathek.daserste.de/Sportschau/Doping-Top-Secret-Confession-Inside-t/Video?bcastId=53524&documentId=59483908>).
- h. The Commission has selected and contracted third party providers to provide (respectively) (i) a confidential whistleblowing hotline so that any stakeholder in the sport (whether an athlete, an official within the IBU or any of its member federations, or any other interested third party) who believes s/he has information that may be relevant to the Commission's work may provide that information safely, securely, and confidentially to the Commission via a web-based site, and (ii) a secure and confidential file-sharing system, to facilitate communication and collaboration between Commission members, and to assist in the collation and organisation of evidence as it is received.
4. The steps we have planned next include the following:
- a. Implement the selected whistleblowing hotline and file-sharing systems without delay.
 - b. Continue to review the criminal case file to collate relevant evidence for the Commission's work, including reviewing any and all new evidence that is added to the file over the next weeks and months.
 - c. Meet with Günter Younger of WADA to share relevant information and determine the most effective way to cooperate going forward.
 - d. Continue to liaise with the criminal authorities to assist them in their investigations.
 - e. Liaise with RUSADA, WADA and the IBU APMU to obtain access to ABP profiles of Russian biathletes.
 - f. Obtain and assess information from various other sources.
 - g. Keep under review whether to recommend to the IBU to take any immediate action (e.g. provisional suspensions) against relevant individuals based on the evidence as it becomes available.

- h. Continue with witness interviews that have already been scheduled, and prepare a detailed list of further individuals to interview, with draft interview questions.

Jonathan Taylor QC
Chair, IBU External Review Commission
31 January 2019